

§218.181

50 CFR Ch. II (10–1–13 Edition)

(i) Range 1 (0–10 lb)—up to 255 detonations over the course of 5 years (an average of 51 detonations per year);

(ii) Range 2 (11–75 lb)—up to 15 detonations over the course of 5 years (an average of 3 detonations per year); and

(iii) Line charges—up to 15 detonations over the course of 5 years (an average of 3 detonations per year).

(4) Ordnance operations, or similar operations, for Navy mission activities in non-territorial waters (estimated amounts below):

(i) Range 3 (76–600 lb)—up to 80 detonations over the course of 5 years (an average of 16 detonations per year).

(ii) Reserved.

(5) Projectile firing operations, or similar operations, for Navy mission activities in non-territorial waters (estimated amounts below):

(i) 5 in. Naval gunfire—up to 300 rounds over the course of 5 years (an average of 60 rounds per year);

(ii) 40 mm rounds—up to 2,400 rounds over the course of 5 years (an average of 480 rounds per year);

(iii) 30 mm rounds—up to 3,000 rounds over the course of 5 years (an average of 600 rounds per year);

(iv) 20 mm rounds—up to 14,835 rounds over the course of 5 years (an average of 2,967 rounds per year);

(v) 76 mm rounds—up to 1,200 rounds over the course of 5 years (an average of 240 rounds per year);

(vi) 25 mm rounds—up to 2,625 rounds over the course of 5 years (an average of 525 rounds per year); and

(vii) Small arms—up to 30,000 rounds over the course of 5 years (an average of 6,000 rounds per year).

(d) Amended regulations are effective February 1, 2012, through January 21, 2015.

(e) The taking of marine mammals may be authorized in an LOA for the activities and sources listed in §218.180(c) should the amounts (e.g., hours, number of exercises) vary from those estimated in §218.180(c), provided that the variation does not result in exceeding the amount of take indicated in §218.181(b).

[75 FR 3410, Jan. 21, 2010, as amended at 77 FR 4925, Feb. 1, 2012]

§218.181 Permissible methods of taking.

(a) Under Letters of Authorization issued pursuant to §§216.106 and 218.186 of this chapter, the Holder of the Letter of Authorization may incidentally, but not intentionally, take marine mammals within the area described in §218.180(b), provided the activity is in compliance with all terms, conditions, and requirements of these regulations and the appropriate Letter of Authorization.

(b) The incidental take of marine mammals under the activities identified in §218.180(c) is limited to the following species, by the indicated method of take and the indicated number of times:

(1) Level B Harassment:

(i) Sperm whale (*Physeter macrocephalus*)—10 (an average of 2 annually),

(ii) Risso's dolphin (*Grampus griseus*)—10 (an average of 2 annually);

(iii) Bottlenose dolphin (*Tursiops truncatus*)—3,070 (an average of 614 annually);

(iv) Atlantic spotted dolphin (*Stenella frontalis*)—2,355 (an average of 471 annually);

(v) Pantropical spotted dolphin (*S. attenuata*)—115 (an average of 23 annually);

(vi) Striped dolphin (*S. coeruleoalba*)—25 (an average of 5 annually);

(vii) Spinner dolphin (*S. longirostris*)—115 (an average of 23 annually);

(viii) Melon-headed whale (*Peponocephala electra*)—10 (an average of 2 annually);

(ix) Short-finned pilot whale (*Globicephala macrorhynchus*)—5 (an average of 1 annually);

(x) Clymene dolphin (*S. clymene*)—25 (an average of 5 annually);

(2) Level A Harassment:

(i) Bottlenose dolphin (*Tursiops truncatus*)—10 (an average of 2 annually);

(ii) Atlantic spotted dolphin (*Stenella frontalis*)—10 (an average of 2 annually);

(iii) Pantropical spotted dolphin (*S. attenuata*)—5 (an average of 1 annually);

(ix) Spinner dolphin (*S. longirostris*)—5 (an average of 1 annually).